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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JAMES HARDING,)	Case No.:
)	
Plaintiff,)	COMPLAINT FOR DAMAGES
)	1. VIOLATION OF THE FAIR DEBT
)	COLLECTION PRACTICES ACT, 15
)	U.S.C. §1692 ET. SEQ.;
v.)	2. VIOLATION OF THE ROSENTHAL
)	FAIR DEBT COLLECTION PRACTICES
)	ACT, CAL. CIV. CODE §1788 ET. SEQ.
)	
RASH CURTIS & ASSOCIATES,)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	
)	
)	

COMPLAINT

JAMES HARDING ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C.,
alleges the following against RASH CURTIS & ASSOCIATES ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, cal. Civ. Code §1788, *et seq.* ("RFDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of California and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391 (b)(1) and (b)(2).

PARTIES

5. Plaintiff is a natural person residing in Concord, California 94520.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3) and is a “debtor” as defined by Cal. Civ. Code §1788.2(h).

7. Defendant is a corporation with its principal place of business located at PO Box 5790, Vacaville, California 95696.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6), and RFDCPA, Cal. Civ. Code §1788.2(c).

9. Debt collection is the principal purpose of Defendant’s business.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. By way of background, beginning in or about September 2017, Defendant began placing repeated harassing telephone calls to Plaintiff attempting to collect an alleged debt that was incurred primarily for personal, family, or household purposes.

1 12. Defendant's harassing debt collection calls derived from the following phone
2 number: (866) 729-2722. The undersigned has confirmed that this phone number belongs to
3 Defendant.

4 13. Attempting to curtail Defendant's excessive collection calls, Plaintiff told
5 Defendant to stop calling in or around October 2017.

6 14. Once Defendant was aware that its calls were unwanted, there was no lawful
7 purpose to making further calls, nor was there any good faith reason to place calls.

8 15. Further, any continued calls could only have been placed for the purpose of
9 harassing Plaintiff.

10 16. Contrary to Plaintiff's instruction to stop calling, Defendant continued to call
11 Plaintiff through December 2017.

12 17. Plaintiff found Defendant's excessive collection calls to be intrusive, disruptive
13 and harassing during this time period, especially when he was regularly interrupted by
14 Defendant's calls while attending non-profit meetings as well as during job interviews.

15 18. Frustrated by Defendant's relentless calls, Plaintiff ultimately decided to
16 download a blocking application onto his cellular telephone to stop these calls.

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22 **COUNT I**
23 **DEFENDANT VIOLATED §§1692d and d(5) OF THE FDCPA**

24 19. Section 1692d of the FDCPA prohibits debt collectors from engaging in any
25 conduct the natural consequence of which is to harass, oppress or abuse any person, in
26 connection with the collection of a debt.

- 1 d. All actual damages, statutory damages, reasonable attorney's fees and costs, and
2 any other litigation costs incurred by Plaintiff pursuant to the RFDCPA at Cal.
3 Civ. Code § 1788.17; and
4 e. Any other relief deemed appropriate by this Honorable Court.
5

6 **DEMAND FOR JURY TRIAL**
7

8 PLEASE TAKE NOTICE that Plaintiff, JAMES HARDING, demands a jury trial in this
9 case.
10

11 RESPECTFULLY SUBMITTED,
12

13 KIMMEL & SILVERMAN, P.C..

14 DATED: December 6, 2018

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